

I am an independent jazz musician and label owner in the middle of a radio promotion campaign for my second solo release. I have been a working professional musician for ten years in varying capacities from sideman to bandleader.

In the last two years I have written all the material for my two solo releases. Prior to this I released two records, also on my label, with an award-winning trio that enjoyed significant underground success in the Swing Renaissance. My last solo CD received a 2-1 add/pass ratio among the regional stations I serviced. The current release appears to be on its way to receiving the same ratio, but with a national focus.

Since there are no commercial radio stations with a jazz format, I have always restricted my focus to noncommercial and college radio. Among these stations, I have found that many of the most popular are "public" radio only in name -- they very rarely add albums from independent labels and local artists and, more often than not, don't even return tracking calls. Their playlists consist, almost exclusively, of major label artists.

In just the last two years I have seen several public radio stations forced to reduce the hours of music programming, sometimes as much as fifty percent, and to limit the variety of that music. The music directors I speak with express their frustration with this trend, helpless to change it against the unchecked deregulation and corporate consolidation of their stations. Many of them tell me how much they enjoy my music and deeply regret having their hands tied by the station ownership.

Due to the pressure on music directors and DJs at radio stations in both large and small markets, local programming must be defined. So-called "market forces" are contrived by the very entities that should serve these markets, creating a feedback loop by defining tastes through repetition and narrowly focused stylistic range which is then touted as "what the people want" and fed back to the public as popular. This has been the case with commercial radio for years and is, in all radio, increasingly diminishing the diversity of voices and protection against monopolies promised in the 1996 Telecommunications Act.

The FCC needs to ensure that all programming decisions are made at the local level by adopting a definition of local programming that measures locally originated and produced programming, and include provisions that include small independent content providers from other communities.

All programming should count as local programming, from news and public affairs to culture and especially music. Again, the decisions regarding all of this content should, in its entirety, happen on the local level.

Station participation in local community activities should not be considered as more than community goodwill, but stations should be evaluated solely on their programming efforts.

It is the responsibility of the FCC to prohibit the practice of accepting any payments from anybody that does music research, or makes programming suggestions, particularly payments made to radio stations via "indie promoters". Since I do not service commercial radio, where the practice of payola has been rampant for decades despite federal laws to the contrary, I have not personally had any experience with these practices and have not seen any evidence of payola in the stations I do service, but New York state

Attorney General Eliot Spitzer's recent serving of subpoenas to Vivendi Universal's Universal Music Group, Sony BMG Music Entertainment, the EMI Group Plc and the Warner Music Group makes it clear that significant evidence does exist. Current FCC rules are obviously deficient.

The practice of voicetracking and broadcasts that mislead the public about where the broadcaster is located are inconsistent with a broadcaster's obligations to serve the local interest. The FCC has a responsibility to create rules that directly address these practices.

National playlists should, at the very least for stations that are call themselves public/noncommercial, be made secondary to the programming of local talent and small, independent artists from other communities. Playlists developed by large corporate radio owners have a crushing effect on localism and variety in programming by leaving less room for local talent and creating the aforementioned feedback loop. Again, the FCC should require programming decisions to be made on the local level. Stations should be required to play the largest percentage of local content, then nonlocal independent content, and finally the smallest percentage of national playlists.

Low power FM licenses could benefit the music community by further enhancing localism. I encourage the FCC's granting of these licenses, and further encourage making more available, but not to consider this above the elements of the issue which I have already commented on.

While I am enraged with the FCC's failings to the American people in favor of corporate interests, which reached it's climax so far with the pathetic compromises made earlier this year, I applaud the decision to address this issue with a public proceeding. The greatest responsibilities of the FCC are to protect the public airwaves from monopolistic practices and to ensure the diversity of voices heard.